



# Washington State Auditor's Office

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## Whistleblower Investigation Report Department of Health

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## Washington State Auditor's Office

January 19, 2016

John Wiesman, Secretary of Health  
Department of Health

### Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 15-028 at the Department of Health.

The State Auditor's Office received an assertion of improper governmental activity at the Agency. This assertion was submitted to us under the provisions of Chapter 42.40 of the Revised Code of Washington, the Whistleblower Act. We have investigated the assertion independently and objectively through interviews and by reviewing relevant documents. This report contains the result of our investigation.

Questions about this report should be directed to Whistleblower Manager Jim Brownell at (360) 725-5352.

Sincerely,

A handwritten signature in cursive script that reads "Troy X. Kelley".

TROY KELLEY  
STATE AUDITOR  
OLYMPIA, WA

cc: Governor Jay Inslee  
Lynda Karseboom, Internal Auditor  
Kate Reynolds, Executive Director, Executive Ethics Board  
Justin Brackett, Investigator

## WHISTLEBLOWER INVESTIGATION REPORT

### Assertion and Result

Our office received a whistleblower complaint alleging an employee at the Department of Health (subject) was regularly arriving at work late and leaving early.

We found reasonable cause to believe an improper governmental action had occurred.

### About the Investigation

We conducted interviews, examined the subject's computer activity and building access history and compared the information against the subject's work schedule, time cards and leave reports. The information we reviewed was from March 3, 2014, to March 12, 2015.

The subject's official schedule is four 10-hour days each week from 5:30 a.m. to 4:00 p.m. The subject works inside a secured building accessible by an electronic key card. A record is created each time an employee accesses the building. We reviewed 197 working days and found that on 192 days the subject arrived late to work. From March 3, 2014 through March 12, 2015, the building access history log showed her average arrival time was 6:16 a.m.

We also reviewed the subject's computer access. According to her supervisor, the subject's job required her to be logged on to her computer for most of her duties. Because a portion of the data had been overwritten as part of the computer's normal operating process, the amount of activity we were able to examine was limited to 28 working days. From January 23, 2015 through March 12, 2015, the subject's computer showed her average log out time was 3:20 p.m.

We reviewed the subject's approved leave slips and found she did not submit any for her late arrivals and only two for her early departures.

When we interviewed the subject, she said she used her lunch period at the start of her day, which allowed her to arrive 30 minutes late. She said she worked straight through her shift, leaving her desk only to use the restroom. She said she did not take her two 15-minute breaks, so she left 30 minutes early. The subject said all of her supervisors were aware she used her breaks and lunches in this way.

We spoke with the subject's current and former supervisor who said they had never discussed that practice and had no arrangement with the subject that would have allowed her to use breaks and lunches in this manner.

The subject's human resources representative said the subject's current bargaining agreement forbids using break and meal periods for late arrivals or early departures. The representative was not aware of any agreement that permitted the subject to use her breaks and lunches in this way.

Regarding the subject's statement that she never left her desk, her current supervisor said he has seen the subject visiting with co-workers and returning from the coffee stand. He said he considers these activities her breaks.

We spoke with witnesses who varied in their recollection of the subject's comings and goings. Some witnesses confirmed the subject's statement that she never left her desk, while others said she did take lunches and breaks, with lunches that lasted up to one hour.

Although we were unable to calculate an exact number of hours the subject was absent from work, we have reasonable cause to believe an improper governmental action occurred.

## **Agency's Plan of Resolution**

*The Department thanks the State Auditor's Office for the opportunity to review the draft report for the recently completed Whistleblower investigation regarding improper governmental action by a DOH employee. We agree with the investigator's results and are gathering additional information to inform possible corrective or disciplinary action.*

*As a result of this investigation, we are providing training to supervisors on DOH Policy 07-008, Hours of Work and Work Schedules, and Article 6, Hours of Work, in the collective bargaining agreement between the State of Washington and Washington Federation of State Employees.*

## **State Auditor's Office Concluding Remarks**

We thank Agency officials and personnel for their assistance and cooperation during the investigation.

## WHISTLEBLOWER INVESTIGATION CRITERIA

We came to our determination in this investigation by evaluating the facts against the criteria below:

### Criteria

RCW 42.52.160 Use of persons, money, or property for private gain:

- (1) No state officer or state employee may employ or use any person, money, or property under the officer's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.